

THIS IS A NOTICE OF A LAWSUIT SETTLEMENT.
You may benefit from this. Please read it carefully. You are not being sued.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HAWK VALLEY, INC., a Pennsylvania corporation,)
individually and as the representative of a class of similarly-)
situated persons, Plaintiff,)
v.)) No. 5:10-cv-00804-JKG
ELAINE G. TAYLOR and ENVIRONMENTAL PROCESS)
SYSTEMS, INC., Defendants.)

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

TO: All persons sent one or more faxes on June 17, 2006 from "Environmental Process Systems, Inc." that advertised "EPSI's Grass Grab-er" as a "New way to treat your equipment wash water." (referred to in this Notice as the "Class")

A. WHY HAVE YOU RECEIVED THIS NOTICE? The Court ordered us to send you this Notice because you may be a member of the Class defined above. This Notice explains the nature of the lawsuit and the settlement terms and informs you of your legal rights and obligations. If you are a member of the Class, you are eligible to claim your share of the monetary benefits offered in this Settlement. You must submit a Claim Form (attached) to receive a monetary payment.

B. WHAT IS THIS LAWSUIT ABOUT? You were notified about this lawsuit in 2014, after the Court certified a class. The lawsuit is about advertisements Elaine G. Taylor and Environmental Process Systems, Inc. ("Defendants") allegedly sent by fax during June 2006. On behalf of itself and class of similarly-situated persons, Plaintiff alleged that Defendants violated the federal Telephone Consumer Protection Act, 47 U.S.C. § 227 ("TCPA") by faxing advertisements to the Class without their prior express invitations or permission to do so. Defendants denied Plaintiff's material allegations and raised defenses to Plaintiff's claims. This description is general and does not cover all of the issues and proceedings.

C. WHAT IS THE PROPOSED SETTLEMENT? Without admitting any fault or liability, and in exchange for a release of all claims against it, if the Settlement is finally approved, Defendants' insurer has agreed to send a check to each person who submits a timely and valid Proof of Claim form. Subject to the conditions of the Settlement Agreement, approved claims will be paid at the rate of \$278.38 for each of Defendants' faxes that were sent to the claimants' fax numbers, as established by the fax broadcaster's records in possession of Plaintiff's expert witness. Class Counsel estimates that there are 4,518 Class Members. Most fax numbers received only one such fax. Defendants' insurer also has agreed to pay an incentive award to Plaintiff for serving as the class representative and to pay the attorney's fees and expenses of Plaintiff's counsel, as stated below and subject to the Court's approval.

D. WHAT ARE YOUR FOUR OPTIONS?

- 1. Return a completed Proof of Claim form.** To receive a share of the Settlement Fund, you must return a completed and signed Proof of Claim postmarked on or before April 20, 2015. The Proof of Claim is attached to this Notice. You may return it by fax or U.S. mail. If your Proof of Claim is approved, you will be mailed a check for your share of the settlement funds at the address you identified on the Proof of Claim. You will be bound by the judgment and you will release your claims against Defendants arising out of or relating to Defendants' sending of fax ads on or about June 17, 2006.
- 2. Do nothing and receive nothing.** If you do nothing, you will remain a member of the Class but you will not receive a share of the settlement funds. You will be bound by the judgment and you will release your claims against Defendants arising out of or relating to Defendants' sending of fax ads on or about June 17, 2006.
- 3. Exclude yourself from the Class and the settlement.** You have the right to exclude yourself from both the class action and the settlement by filing a written request for exclusion with the Clerk of the U.S. District Court for the Eastern District of Pennsylvania, 504 W. Hamilton Street, Allentown, PA 18101. Your request for exclusion must be postmarked on or before April 20, 2015, and it must list your name, fax number(s), street address, and the name and number of this case. You must also mail copies of your request for exclusion, postmarked by the same date, to Brian J. Wanca, Anderson + Wanca, 3701 Algonquin Road, Suite 760, Rolling Meadows, IL 60008; Francis Deasey, Deasey, Mahoney & Valentini, 1601 Market St., Ste. 3400, Philadelphia, PA 19103; and Thomas F. Reilly, The Chartwell Law Offices, One Logan Square, 130 N. 18th St., 26th Fl., Philadelphia, PA 19103.
- 4. Object to the settlement in writing.** If you object to the settlement, and wish to submit an objection rather than excluding yourself from the class action, you must submit your objection in writing to the Clerk of the U.S. District Court for the Eastern District of Pennsylvania, 504 W. Hamilton Street, Allentown, PA 18101. Your objection must be postmarked by April 20, 2015. You must also serve a copy of your objection and any supporting memoranda or materials on each of the attorneys listed below for the Class and for Defendants, postmarked by the same date and addressed as follows:

For the Class:

Brian J. Wanca
Anderson + Wanca
3701 Algonquin Road, Suite 760
Rolling Meadows, IL 60008

Phillip A. Bock
Bock & Hatch, LLC
134 N. La Salle Ave., Suite 1000
Chicago, IL 60602

For Defendants:

Francis J. Deasey, Esq.
Deasey, Mahoney & Valentini Ltd.
1601 Market Street, Suite 3400
Philadelphia, PA 19103

Thomas F. Reilly
The Chartwell Law Offices LLP
One Logan Square
130 N. 18th St., 26th Fl.
Philadelphia, PA 19103

Any objection must include your name, fax number(s), and street address, the name and number of this case, a list of all other class action cases in which you or your counsel have filed objections to settlements, and a statement of the reasons why you believe that the Court should find that the proposed settlement is not in the best interests of the Class. Please note that it is not sufficient to simply state that you object. You must state the reasons why you believe the settlement should not be approved. If you file an objection and wish it to be considered, you must also appear at the final approval hearing before Judge Gardner in Courtroom 4B of the U.S. District Court for the Eastern District of Pennsylvania, 504 W. Hamilton Street, Allentown, PA 18101.

E. WILL THE COURT APPROVE THE SETTLEMENT? The Court has preliminarily approved the parties' settlement and it will conduct a final approval hearing on August 6, 2015 at 10:00 a.m., in Courtroom 4B of the U.S. District Court for the Eastern District of Pennsylvania, 504 W. Hamilton Street, Allentown, PA 18101. At the approval hearing, the Court will hear any objections and arguments about whether the proposed settlement should be approved, including the amount of the award of costs and attorney's fees to Class Counsel. Unless you have objected to the settlement, you do not need to attend this hearing. The approval hearing may be continued to a future date without further notice. If the Court does not approve the settlement, the case will proceed as if no settlement has been attempted. If the settlement is not approved, there is no assurance that the Class will recover more than is provided in the settlement or recover anything at all.

F. WHO REPRESENTS THE CLASS? Plaintiff, Hawk Valley, Inc., is the "Class Representative," and the following attorneys are "Class Counsel":

Brian J. Wanca
Anderson + Wanca
3701 Algonquin Road, Suite 760
Rolling Meadows, IL 60008

Phillip A. Bock
Bock & Hatch LLC
134 N. La Salle Ave., Suite 1000
Chicago, IL 60602

Alan C. Milstein
Sherman, Silverstein, Kohl,
Rose & Podolsky, P.A.
308 Harper Dr #200
Moorestown, NJ 08057

At the final approval hearing, Class Counsel will request that the Court approve Defendants' insurer's agreement to pay Hawk Valley an incentive award of \$15,000 for serving as the class representative. Additionally, Class Counsel will ask the Court to approve the insurer's agreement to pay them attorneys' fees of \$667,000.00, plus reimburse their out-of-pocket expenses totaling not more than \$40,000.00, for their work on behalf of the Class. Class Counsel have not been paid anything to date for their work.

G. HOW DO I OBTAIN MORE INFORMATION ABOUT THE LAWSUIT OR THE SETTLEMENT? This description of the case is general and does not cover all of the issues and proceedings. To see the complete file, including a copy of the settlement agreement,

you may visit the offices of the Clerk of the U.S. District Court for the Eastern District of Pennsylvania, located on the first floor of the Edward N. Cahn United States Courthouse, 504 West Hamilton Street, Allentown, Pennsylvania 18101, or on the second floor of the James A. Byrne United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania 19106. The Clerk will make the files relating to the lawsuit available to you for inspection and copying at your own expense. Documents are also available for a fee through <https://ecf.paed.uscourts.gov>.

If you have specific questions, you can write to Class Counsel at one of the addresses listed above. Include the case number, your name, your fax number, and your current street address on any correspondence. You may also call attorney Brian J. Wanca of Anderson + Wanca at 855-827-2329, or you can call attorney Phillip A. Bock of Bock & Hatch, LLC at 312-658-5501. Please do not contact the Clerk of the Court, the judge, or the judge's staff, because they cannot answer questions about this settlement or give you advice about this settlement.

**BY ORDER OF THE COURT
JAMES KNOLL GARDNER
JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PROOF OF CLAIM ATTACHED HERE